

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
MARK FALK
UNITED STATES MAGISTRATE JUDGE**

**USPO & COURTHOUSE
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NEWARK, NJ 07101
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March 31, 2010

LETTER OPINION

VIA ELECTRONIC FILING

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**Re:Alliance Shippers, Inc. v. Blue Line Distribution, Ltd.
Civil Action No. 2:09-6243 (WJM)**

Dear Counsel:

This matter comes before the Court by way of Defendant Blue Line Distribution, Ltd.'s ("Blue Line") *pro hac vice* application for the admission of Mala Ahuja Harker, Esq. pursuant to Local Civil Rule 101.1(c) (CM/ECF Docket Entry No. 9). Plaintiff Alliance Shippers, Inc. ("Alliance") opposes the motion. For the reasons set forth below, Blue Line's application is granted.

BACKGROUND

Blue Line filed a Notice of Motion for Admission of Mala Ahuja Harker, Esq. *pro hac vice* on March 11, 2010. The application contains the requisite certifications of Ms. Harker as well as local counsel Benjamin S. Holzer. L. Civ. R. 101.1(c).

Alliance sent a letter to the Court on March 18, 2010 opposing the motion. Alliance states that an order from the Middlesex County Superior Court of New Jersey denying Ms. Harker's admission *pro hac vice* should preclude her admission in this Court. Alliance claims that Blue Line intends to file a motion to dismiss under a collateral estoppel theory. Therefore, Alliance believes

that the Superior Court's ruling on a *pro hac* application should also have preclusive effect on this Court's decision. Alliance, also, reiterates the argument it made in opposition to the motion in State Court, namely, Blue Line has not shown a compelling need for the applicant to participate in this matter.

ANALYSIS

Local Civil Rule 101.1(c) governs *pro hac vice* admissions in this district. The rule provides:

Any member in good standing of the bar of any court of the United States or of the highest court of any state, who is not under suspension or disbarment by any court . . . may in the discretion of the Court, on motion, be permitted to appear and participate in a particular case."

L. Civ. R. 101.1(c). Federal Courts have wide discretion in granting admission *pro hac vice*. Kohlmayer v. National R.R. Passenger Corp., 124 F. Supp. 2d 877, 880 (D.N.J. 2000). Typically, courts grant admission liberally provided that the application complies with the Local Rules. Id. at 881. Indeed, the Local Rules contemplate that *pro hac vice* admission be granted "as a matter of course." L. Civ. R. 101.1 cmt. 4(a).

Alliance's opposition to Ms. Harker's admission *pro hac vice* fails to provide any legitimate basis for denying the application under the Local Rules. First, a court order denying admission *pro hac vice* issued by the Superior Court of New Jersey does not have preclusive effect over this Court's ruling. See Hotel & Rest. Employees & Bartenders Int'l Union Local 54 v. Read, 597 F. Supp. 1431, 1445 (D.N.J. 1984) (requiring that the issue precluded be essential to the judgment in the previous action for collateral estoppel to apply). Second, whether or not Blue Line has shown a "compelling need" for the admission of Ms. Harker *pro hac vice* has no bearing on the merits of the application. See L. Civ. R. 101.1(c).

Blue Line's Motion for the admission of Mala Ahuja Harker *pro hac vice* complies with the Local Civil Rules. Ms. Harker is a member of the bar of another federal court where she is in good standing and has not had disciplinary action taken against her within the past five years. (Harker Decl. CM/ECF Docket Entry No. 9-1).

CONCLUSION

For the foregoing reasons, Blue Line's Notice of Motion for Admission of Mala Ahuja Harker, Esq. *pro hac vice* (CM/ECF Docket Entry No. 9) is **granted**. A separate order accompanies this opinion.

/s/Mark Falk

MARK FALK

United States Magistrate Judge

Dated: March 31, 2010